

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12816 of S. Lynn Sutcliffe, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to permit two one story additions to a detached dwelling in the R-1-B District at the premises 2949 Northampton Street, N.W., (Square 2313, Lot 8).

HEARING DATE: November 22, 1978

DECISION DATE: November 22, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of Northampton Street between Nebraska and Utah Avenues in the R-1-B District. The lot is adjacent to a fifteen foot wide public alley which is parallel to Nebraska Avenue. The lot is triangular in shape.
2. To the north, southeast and west of the subject premises are single family detached dwellings on lots which are essentially rectangular in shape.
3. The applicant proposes to construct two one-story additions to an existing detached dwelling.
4. The existing structure is a single family detached brick dwelling. The proposed additions will consist of a kitchen nook at the rear of the house and a greenhouse on the side.
5. The Zoning Regulations require an eight foot side yard. The existing side yard is 4.9 feet; after the additions, the side yard will be 4.37 feet. A variance of 3.63 feet or 45 percent is needed by the applicant.
6. Based upon the plat and measurements submitted by the applicant to the Zoning Administrator, permit No. B258196 was issued on February 27, 1978 for construction of the additions. This plat was prepared by the applicant and his agent and showed the addition to be a minimum of eight feet from the alley line.
7. A site inspection by the Zoning Administrator's office found the measurements to be inaccurate and since the additions were within eight feet of the lot line, construction was halted.

8. The original measurements were taken from the edge of the visible paved portion of the alley which the applicant assumed to be the property line. Excavation of dirt in the side yard revealed that the alley was closer to the house than had originally been assumed.

9. A petition was submitted to the record from neighboring property owners in favor of the application.

10. Advisory Neighborhood Commission 3G did not submit a report to the Board in the record of this case.

11. There was no opposition to the case.

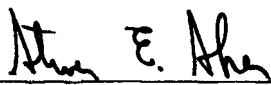
CONCLUSIONS OF LAW AND OPINION:

The requested variance is an area variance the granting of which requires the showing of a practical difficulty. The Board concludes that the triangular shape of the lot, location of existing improvements and the partially constructed addition constitute a practical difficulty that would result in a hardship for the owners if relief were not granted. The Board concludes that the applicant has not acted with malicious intent or deliberate effort to obtain a permit in violation of the Regulations, but only inadvertently submitted incorrect measurements on the plat. The Board further concludes that the requested variance can be granted without adverse impact upon the surrounding and adjacent properties. Accordingly, it is so ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris, Leonard L. McCants and Chloethiel Smith to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 11 JAN 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.